

IN THE MATTER of the Ontario Human Rights Code,
 1961-1962, and three complaints made by
 Mr. Alvin A. Ladd, Mr. James Simmons,
 Mr. Lloyd Pryor, that they were (1) denied
 the services and facilities and (2) discrimi-
 nated against because of race and colour
 on or about the 24th day of October, 1962
 and the 8th day of June, 1963, at Mitchell's
 Bay Sportsman's Camp, R. R. # 2, Mitchell's
 Bay, Ontario, owned and operated by Mr. Leo
 Loudenslager,

AND IN THE MATTER OF a BOARD OF INQUIRY set up
 under the said Code.

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BOARD OF INQUIRY : His Honour Judge J. C. Anderson.

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ALAN BOROVY, Esquire, Executive Secretary, Toronto
 and District Labour Committee for Human
 Rights - Counsel for Complainants.

CLARENCE P. ARNOLD, Q.C., - Counsel for Respondent.

The Ontario Human Rights Commission,
8 York Street,
Toronto, Ontario.

Gentlemen:

Pursuant to my appointment by the Minister of Labour on the eighth day of July, 1963, as a Board of Inquiry under the Ontario Human Rights Code to inquire into the above mentioned complaints, I arranged for a hearing at the Court House in Chatham on July 30th, 1963.

At the hearing the respondents, Mr. Leo Loudenslager and Mrs. Leo Loudenslager were represented by Clarence P. Arnold, Q.C., and the complainants were represented by Mr. Alan Borovoy.

There were two main complaints and evidence concerning each of the complaints was heard separately. The first complaint was that of Alvin Ladd, and it was that on the 21st of October, 1962 Mrs. Leo Loudenslager, who was an attendant at Mitchell's Bay Boat Club, Dover Centre, Ontario, had refused to rent a boat to Mr. Ladd at the same time that boats were being rented by other members of the public. Mr. Ladd is a coloured gentleman, and in company with two other colored gentlemen in the afternoon of October 21st attended at Mitchell's Bay Boat Club and asked to rent a boat, and was told that boats were not rented that late in the afternoon. It was about five o'clock.

There was a good deal of evidence with respect to this complaint from several witnesses, but in view of what is contained in the latter part of this report it is not necessary for me to review the evidence.

The second complaint concerning which evidence was heard in full was that of Mr. James G. Simmons and Mr. Lloyd Pryor. In short, the complaint alleges -- and the evidence given by these gentlemen follows the wording of the complaint -- that Mr. Simmons and Mr. Pryor, who are both colored gentlemen, attended at Mitchell's Bay Sportsman's Club at Mitchell's Bay and were denied the right to rent boats, and thus discriminated

against for the use of Sportsman's Club facilities with respect to boats and motors on the eighth of June, 1963. In short, Simmons evidence, which was corroborated by that of Mr. Pryor, was to the effect that on the eighth of June they went to the Mitchell's Bay Sportsman's Club to rent a boat and were told by Mr. Loudenslager and his attendant that there were no boats available and they then left, and within a very few minutes two white men approached Mr. Loudenslager to rent a boat and were given a choice of two boats.

There is a conflict with respect to some of the evidence in relation to this complaint, but in view of what is contained in this report it is not necessary for me to analyze all the evidence or draw conclusions therefrom.

After the evidence was in I asked counsel for the complainants and counsel for the respondents to attend in my chambers, and there a discussion took place, and arising out of that discussion Mr. Loudenslager gave a statement in which he declared that his establishment is open to the public without distinction as to race, colour or creed, and that he would post in a conspicuous place on the premises an Ontario Human Rights Commission Code card which would state that his establishment is operating in compliance with the Ontario Human Rights Code. He also wrote a letter to the complainants in which he stated that the establishment is open to the public without distinction as to race, creed or colour, and that as an act of good faith he was prepared to offer the facilities of his establishment to Alvin Ladd, James Simmons and Lloyd Pryor, and Thomas and Edwin Shadd on certain dates. Copies of this letter are attached hereto and form part of this report.

The preamble to the Ontario Human Rights Code states that recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and that public policy in Ontario is that every person is free and equal in dignity and rights without regard to race, creed,

colour, nationality, ancestry or place of origin. And the aim of the Code is to create on the community level a climate of understanding and mutual respect in which all people of whatever racial, religious or cultural background are made to feel that they are all equal in dignity and rights.

I am of the opinion that the evidence given at the inquiry, together with the public statement of Mr. Loudenslager that his establishment is open to the public without distinction as to race, creed or colour, and his evidence of good faith in arranging at the hearing that the complainants should have the use of his facilities on two definite dates, and his freely entering into an arrangement to post a card of the Ontario Human Rights Code in his establishment is, on his part, a clear demonstration of his good faith in accepting and attempting to live up to not only the letter but the spirit of the Code.

For these reasons it would be my recommendation that no further action be taken against either Mr. Loudenslager or Mrs. Loudenslager with respect to the complaints which were inquired into by me.

All of which is respectfully submitted.

(Signed) Judge J. C. Anderson
Board of Inquiry.

DATED at Belleville, Ontario, this 15th day of August, 1963.

